IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

Crl.MC.No. 2828 of 2007()

CP.63/2006 of JUDL.MAGISTRATE OF FIRST CLASS, KARUNAGAPPALLY

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PETITIONER: ACCUSED

ANOOP, S/O.SOMARAJAN PILLAI,
AGED 20, VARIKKOLIL HOUSE,
THODIYUR VILLAGE, VENGARAMURI.

BY ADV. SRI.K.R.SUNIL

RESPONDENTS: COMPLAINANT

S.I.OF POLICE,
KARUNAGAPPILLY POLICE STATION,
REP.BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Cr.M.C.No.2828 of 2007

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Dated this the 12th day of September, 2007

ORDER

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under Sections 447 and 308 IPC. Investigation is complete. Final report has been filed. Committal proceedings has been registered. The petitioner has never been arrested and released on bail in the case. He never appeared before the learned Magistrate.

2. After taking cognizance coercive processes are issued against the petitioner by the learned Magistrate. The petitioner finds such processes chasing him. The petitioner applied for anticipatory bail . That petition was rejected. The petitioner is now willing to surrender before the learned Magistrate, but he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He hence prays that appropriate directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not

consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This application is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself, unless there are compelling reasons.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE